

JOHNSON, DR. PAUL

Community Affairs File

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CRIME + CRIMINALS T.H.

T JAN 18 1983

Government seeks imprisonment for Johnson, following his conviction

By JOHN HALLADAY
Staff Writer

Terre Haute physician and surgeon Paul D. Johnson Jr. was found guilty Monday evening of 47 of 49 counts brought against him in a federal grand-jury indictment last year.

The 61-year-old Johnson showed no emotion as the jurors' verdicts were read in U.S. District Court at about 7:35 p.m.

Johnson was convicted of illegally distributing or attempting to distribute controlled drugs.

Johnson maintained he wrote the prescriptions in question for legitimate medical reasons as part of plans for weight control.

Forty-six of the 47 counts carry a maximum penalty of five years in prison and a fine of up to \$15,000. The other count carries a penalty of up to three years in prison and a fine of \$10,000.

In a post-verdict interview, Kennard Foster, assistant U.S. attorney who prosecuted the case, said he will probably recommend an "executed" sentence — that is, time to be served in a penal institution, rather than a suspended sentence.

Johnson's attorney, William G. Smock, called the verdicts "a rather harsh and ridiculous way to try to send a message to the physicians in this community."

Smock said that no representative of the federal government had ever tried to meet with local doctors to warn them against writing prescriptions such as Johnson wrote.

Many of those prescriptions were for amphetamine-type drugs.

Smock said local doctors probably will write fewer such prescriptions in the future because of the verdict against Johnson, and some of their patients will suffer. But he said that, if the federal government is going to scrutinize such prescriptions, "it is incumbent on the physicians to look after their own interests and not their patients'."

A sentencing hearing for Johnson will be scheduled after a pre-sentence report is complete, expected in about 45 days.

Asked about an appeal, Smock said he would have to wait and see what the sentence is. "You really don't prepare for appeal until after sentencing," he explained.

Smock said he thought the jurors should have found Johnson innocent of all the charges against him.

In final arguments earlier Monday, Foster said, "Paul D. Johnson Jr. is a dope pusher, and they (undercover agents) proved it."

"What he was doing was a pretense at the practice of medicine."

Foster also said Johnson had violated the Hippocratic oath, generally taken by students receiving a medical degree.

Translations of that oath vary, but a version printed in the Encyclopaedia Britannica says, in part, "I will give no deadly drug to any, though it be asked of me."

Prosecution witnesses said the drugs Johnson prescribed could be dangerous.

Those who take the oath also promise to refrain from "any act of seduction" when entering houses to treat the sick.

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Dr. Johnson, wife Margaret leave court after his sentencing on drug-distribution conviction

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Community Affairs File

Johnson gets 2 years, \$75,000 fine

By PATRICK J. BARNES
Staff Writer

Dr. Paul D. Johnson received a two-year prison sentence and was fined \$75,000 Thursday evening by U.S. District Judge Gene E. Brooks.

Brooks also gave Johnson, 61, 62 Allendale Place, five year's special parole and ordered him to perform 1,500 hours of community service. He was ordered to forfeit his physician's Drug Enforcement Agency certificate of registration, which allowed him to prescribe medicine.

Following sentencing, Brooks ordered Johnson released on a \$360,000 appeal bond. The bond consisted of a certificate of deposit for \$160,000 and his home, valued at \$200,000.

The local physician and surgeon was found guilty in federal court Jan. 17 of 47 counts of distributing or attempting to distribute controlled drugs.

After his conviction, Johnson had his license to practice medicine suspended. A hearing by the Medical Licensing Board of Indiana on the "emergency suspension" is set for April 21 in Indianapolis.

The 5-foot, 4-inch tall, 130-pound Johnson stood motionless as Brooks spoke before reading the sentence.

"I suspect you've been violating the law for a long time. You failed to use common sense in dispensing

drugs," the judge said. "I believe you're a compassionate person.

"I received 25 to 30 letters from your patients. Many of them love you as a doctor. They consider you like a member of the family. They think you've gotten a rotten deal. But you crossed the line and were trafficking in drugs."

The judge said the maximum penalty on all the charges would have been a 233-year prison sentence and fines totaling \$700,000.

Johnson told the court he wanted to apologize for all the trouble he had caused and that it was embarrassing to his family. "It was not intentional. I have never prescribed medicine for criminal intent or for non-medical purposes."

Johnson's attorney, William G. Smock, told the court, "we think a suspended sentence would be fair, along with fining the doctor and ordering him to perform community service.

"There's no risk the doctor will ever commit another crime. It would be a hardship to incarcerate a 61-year-old man."

Assistant U.S. Attorney Kennard Foster told the court that Johnson "was in fact a dope dealer. This man should be treated like any other dope dealer."

Foster recommended the court sentence Johnson to prison for a period of seven to 10 years and fine him \$150,000.

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Medical board revokes local physician's license

APR 22 1983

Medical Licensing Board of Indiana early Thursday evening decided to revoke Dr. Paul D. Johnson's license to practice medicine, effective immediately, according to Ronald E. Elberger of that board.

Johnson may not apply for reinstatement of his license for seven years. He was ordered by the board to make suitable and reasonable arrangements with his patients to transfer their records, charts, and test results or copies thereof to any doctors assuming the care of his active patients.

Johnson has been informed orally of the decision, Elberger said. Within 14 days after he receives a written copy of the decision, Johnson has the right to file for a judicial review.

Johnson was found guilty Jan. 17 by a federal court jury of 47 counts of

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illegally distributing or attempting to distribute controlled drugs.

U.S. District Judge Gene E. Brooks sentenced Johnson March 17 to two years in prison, with five years' special parole. Brooks also fined Johnson \$75,000 and whatever it cost to prosecute him. Those prosecution costs have not yet been added up.

As an additional part of the sentence, Brooks said Johnson would be

on probation for five years after he gets out of prison, with the requirement that Johnson perform 1,500 hours of community service.

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Local doctor begins prison term

Dr. Paul D. Johnson voluntarily surrendered himself to federal officials Monday at the farm camp at Marion, Ill., to begin serving a two-year prison sentence.

Johnson, 62, 62 Allendale, was found guilty Jan. 17 in federal court of 47 counts of illegally distributing or attempting to distribute controlled drugs.

He received the prison sentence

along with a \$75,000 fine and was ordered by U.S. District Court Judge Gene E. Brooks to perform 1,500 hours' of community service and to forfeit his physician's Drug Enforcement Agency certificate of registration.

Johnson's Terre Haute attorney, William E. Smock, said the farm camp at Marion is a minimum-security facility for persons con-

victed of non-violent crimes.

Smock said he made arrangements with prison officials for Johnson to surrender. Johnson had been free since his March 18 sentencing.

Smock said he expects Johnson to serve six-to-nine months of the two-year sentence before being parolled.

Johnson, according to Smock, has not paid the \$75,000 fine imposed by the court.

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Jones
Layton

Arrest TH Man In Slayings Of Mother And Great-Aunt

By BLAINE AKERS
Star Staff Writer

City police have arrested a 61-year old Terre Haute man who Friday morning allegedly walked into a nursing home and shot and killed his aunt, then moments later drove to a second nursing home where he fatally shot his mother.

Lodged in the Vigo County jail, without bond, is Layton "Lathie" Jones, 2346 4th Ave., a former county deputy sheriff and past assistant city park superintendent.

Captain Frank Hoffman, Criminal Investigation Division, said Friday afternoon, Jones was preliminarily charged on two counts of murder and will be arraigned in Vigo Circuit Court Monday.

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The shooting spree began at approximately 11:35 a.m. when Jones allegedly walked into the Meadows Manor Convalescent and Rehabilitation Center, 3300 Poplar St., and shot his great-aunt, Elda Mae VanLieu, 81. Police said they found the elderly woman, fatally injured from a gunshot wound to the head, sitting in a chair in her semi-private room.

Witnesses at the shooting scene told police Jones had informed them he was going to

find his mother. Police detectives quickly learned the address of the defendant's mother and immediately dispatched officers to the Wallace Nursing Center, 120 Margaret Ave.

Reports indicate Jones drove to the southside facility where he allegedly shot and killed his

mother, Della Wimmer, 87. She also died from a gunshot wound to the head.

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As Jones was leaving the scene of the second shooting,

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be in Woodlawn Cemetery
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Slayings

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alert police officer, Ronald Crumrin, spotted Jones and apprehended him without further incident.

Hoffman told the Star, "Our police headquarters had just learned of the second shooting when officer Crumrin arrived at the Wallace Nursing Center. It was smart work on the part of Crumrin who solely apprehended Jones," Hoffman added.

The detective captain declined to comment on the motive of the shooting incidents, but records indicate Jones had been previously treated for mental problems.

Following interrogation, Jones was taken to Union Hospital for treatment of a fractured finger, apparently injured when his gun jammed at the northside nursing home.

Hoffman said he would not identify the gun used in the slayings until a ballistics report is completed.

Deputy coroner George Kearns pronounced the VanLieu woman dead at the scene and coroner Robert Burkle pronounced the Wimmer woman dead at approximately 11:50 a.m. at the Wallace Nursing Center.

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Circuit Court—

Community Affairs File

Lathie Jones Ordered To Indiana Dept. Of Mental Health Custody

Crime & Criminals, T.H.

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By JOE BOLAND
Star Staff Writer

The Vigo Circuit Court trial of two murder charges against a Terre Haute man ended Wednesday in civil commitment of the defendant.

Judge C. Joseph Anderson found that Lathie Jones, 62, did shoot and kill his mother and an aged aunt last November but that Jones is not guilty of first degree murder because he was of temporary unsound mind at the time of the incidents.

Anderson ordered Jones into the custody of the Indiana Department of Mental Health for civil commitment.

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Jones, a former Vigo County deputy sheriff, shot and killed an aunt, Mrs. Elda Mae Van

East Convalescent & Rehabilitation Center, then drove to Wallace Nursing Home where he killed his mother, Mrs. Della Wimmer, 87.

Judge Anderson ordered Jones committed to Norman Beatty State Hospital at Westville last Dec. 26, after it was determined Jones was incompetent to stand trial. However, a new Indiana statute requires periodic re-evaluations of persons committed to mental institutions for criminal offenses.

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In other circuit court matters, four former employees of the Vigo County Juvenile Center appeared with their attorneys on charges of possession and delivery of a controlled substance.

Judge Anderson disqualified himself in the case and named a panel of three prospective judges to hear the matter. The panel comprises Clay Circuit Court Judge Robert Neal, Sullivan Circuit Court Judge Jesse H. Bedwell and Pete Marietta, a Clinton lawyer who is unopposed in his bid for Vermillion Circuit Court judge in the Nov. 5 general election.

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The four men charged include Edward Beck, who was a temporary probation officer at the center, and Anderson Myles, Joseph Myers and Fred Stewart, all part-time supervisors.

They are accused of providing marijuana to two 16-year-old juveniles detained at the center.

Darrell Felling of the Nasser & Felling law firm, who entered his appearance for Stewart and Myles, moved to strike Judge Neal's name from the panel, but Judge Anderson said a joint motion by all three defense attorneys is necessary.

Augustus Tabor, who is associated with the Nasser & Felling firm, represents Myers. Lieu, 81, at Meadows Manor

Beck is represented by John E. Keller. The defense was given until Thursday to strike a name.

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A Terre Haute city fireman who is charged with assault and battery with intent to kill appeared and had his case continued to Aug. 28 for arraignment.

Donald Van Horn, 2309 S. 10 1/2 St., is charged in connection with the shooting of Michael Glover, 22, RR 52, in Glover's mobile home near North Terre Haute. The incident occurred after Van Horn learned Glover had been seeing Van Horn's wife, according to reports.

Judge Anderson increased Van Horn's bond to \$50,000 from \$25,000. It was reported Wednesday that Van Horn is suspended with pay from his duties on the fire department.

Van Horn is represented by Norman Lowery of Rosenfeld Wolfe & Frey.

A robbery charge against two Terre Haute men who are accused of robbing another man in a secluded area on the city's southside July 11 was continued to Sept. 9 after they pleaded not guilty.

Harold Lee Brauer, 18, 102 N. 15th St., and Rhett J. Gray are accused of the strong-arm robbery of \$4 from Ronald Luxton, 1130 Mary Lane. Brauer and Gray are represented by Robert Howard Brown.

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Trial was set Sept. 9 also for Jessie Milton Howe, 18, 1809 Chestnut St. Howe pleaded not guilty to commission of a crime while armed with a deadly weapon.

Howe was arrested for the armed robbery of the 63 Tavern July 3. Bond was continued at \$10,000.

Alan Dale Angel, 2220 N. 25th St., entered a plea of not guilty to a charge of commission of a crime while armed with a deadly weapon. He is accused of the armed holdup of a driver for Terre Haute Yellow Cab Co. July 19.

Angel is represented by Public Defender Brown. His bond also was continued at \$10,000.

David James Walters, 429 S. 8th St., was formally charged Wednesday with attempting to obtain a controlled substance by fraud. He was arrested Friday at a local drug store after he tried to obtain a barbiturate by a forged prescription.

Judge Anderson continued the case to Friday to allow Walters time to obtain counsel.

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